IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 15515 of 2006(V)

OPMV.1735/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TRIVANDRUM
.....

PETITIONER:

NARAYANAN, AGED 62,
S/O. SuBHAYYAN, T.C.48/222,
KOCHUPUTHUVAL VEEDU, VEEGAN NAGAR,
MANTHITTA DESOM, MUTTATHARA VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:
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1. **M/S. NATIONAL INSURANCE CO. LTD.,**
   T.P.CELL, GANDHARI AMMANCOIL ROAD,
   KESAVAN TOWERS, PULIMOODU,
   THIRUVANANTHAPURAM.

2. **C.K.PREMAN,**
   CHAVANOORIAN PADATH HOUSE, CHIRAKKAKAM,
   VARAPUZHA P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.RAJAN P.KALIYATH - R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.15515/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE AWARD DT. 16.8.2001 IN OP(MV) 1735/99 BY MACT THIRUVANANTHAPURAM.

EXT.P2:- COPY OF THE IA.2716/04 DT. 15.9.2004.

EXT.P3:- COPY OF THE COUNTER AFFIDAVIT OF THE PETITIONER.

EXT.P4:- COPY OF THE ORDER DT. 7.2.06 IN IA. 2716/04 AND 1502/05.

/TRUE COPY/

tss

PIUS C. KURIAKOSE, J.

W.P.(C) No. 15515 OF 2006

Dated this the 6th day of July, 2007

JUDGMENT

Strenuous and persuasive submissions of Sri.R.T.Pradeep notwithstanding, I am not able to agree with him when he submits that Ext.P4 order of the MACT is vitiated to the extent justifying interference by this court under its visitorial jurisdiction. But at the same time I notice that the amount of Rs.2,000/- determined by the court below as cost to compensate for the inconvenience caused to the claimant was quite inadequate. The cost will stand enhanced to Rs.5,000/- from Rs.2,000/- presently ordered. There will also be a clarification that the Insurance Company alone will be the beneficiary of Ext.P4. In other words, the award will stand set aside as against the Insurance Company only and will stand confirmed against the other respondents in OP(MV). The 1st respondent Company is directed to pay the redetermined cost within a period of one month of receiving copy of this judgment, failing which Ext.P4 will stand set aside in full and the IA No.2716 of 2004 will stand dismissed and the Writ Petition will stand allowed.

PIUS C. KURIAKOSE, JUDGE

btt